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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,375	10/10/2000	Brant L. Candalore	80398.P323	5871

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Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/688,375	Applicant(s) CANDELORE ET AL.	
	Examiner Taghi T. Arani, Ph.D.	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/14/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-7, 10, 13-19 are pending for examination.

Response to Amendments

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

As per Applicants argument relating to the non-establishment of Microsoft reference as prior art, the Examiner respectfully disagrees. The Examiner also recently (12/8/2004) visited the Microsoft website and was able to reconfirm that the reference was, in fact, published in 1999. A copy of the reference dated April 19990 is provided in this office action.

Specification

The amendment filed 6/14/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "smart card compatible" and "smart card incompatible".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 1-4, 10, 13-16 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to claims 1, 3, 10, 13, 15, 16 and 19, the original specification does not describe “smart card incompatible” conditional access (CA) protocol recited in claims 1, 3, 10, 15 and 16, and “the conditional access protocol being incompatible with the smart card” recited in claims 13 and 19 thus does not enable one skilled in the art to make and/or use the invention.

Referring to claims 2, 4-6, 14, these claims are also rejected because they are dependent on claims 1, 13 and 15 and therefore inherit their deficiencies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, Microsoft 1999 in view of Cheng et al.

Referring to claim 1, Microsoft 1999 teach a conditional access (CA) system comprising:

a computing resource configured to run a CA protocol [page 5, Resource Manager, lines 3-5];

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a smart card interface [page 6, Readers, lines 1-2]; and
a software wrapper configured to couple the smart card interface to the (CA) protocol
[page 3, Software Development, line 1].

Microsoft 99 does not teach to run a smart card incompatible conditional access (CA) protocol.

However, Cheng et al. (Cheng) teach to run a smart card incompatible conditional access CA protocol [col. 4, lines 58-60].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include a smart card incompatible conditional access (CA) protocol. One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Referring to claim 2, Microsoft 1999 as modified teach the CA system of claim 1, wherein the smart card interface complies substantially with International Organization for Standardization standard 7816 (ISO 7816) [page 2, ISO 7816, EMV, and GSM, lines 13].

Referring to claim 3, Microsoft 1999 as modified teach all limitations of claim 3 except wherein the smart card incompatible CA protocol is selected from the group consisting of National Renewable Security Standard Part B (NRSS-B), OpenCable™ Host Point Of Deployment Interface Specification (POD), Common Interface Specification for Conditional Access and other Digital Video Broadcasting Decoder Applications (CI), and Conditional Access System for Terrestrial Broadcast (ATSC-A70).

However, Cheng et al. (Cheng) disclose a smart card incompatible CA protocol is selected from the group consisting of National Renewable Security Standard Part B (NRSS-B), OpenCable™ Host Point Of Deployment Interface Specification (POD), Common Interface Specification for Conditional Access and other Digital Video Broadcasting Decoder Applications (CI), and Conditional Access System for Terrestrial Broadcast (ATSC-A70) [column 4, line 33 through col. 5 lines 12].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include a NRSS-B conditional access protocol. One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Referring to claim 4, Microsoft 1999 as modified teach the CA system of claim 1, wherein the software wrapper is configured to run on the computing resource [page 3, Software Development, line 1-2].

Referring to claim 10, Microsoft 1999 teaches a conditional access (CA) method comprising: routing signals received from a smart card interface to interface software [page 56, Device Drivers, 3-4];

coupling an output of the interface software to an Application Programming Interface (API) of a CA protocol [page 5-6, Device Drivers, 4-5];

coupling an output of the CA protocol to an input of the interface software [page 5-6, Device Drivers, 4-5]; and routing output signals of the interface software to the smart card interface [page 5, Resource Manager, lines 1-3].

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Microsoft 1999 fails to teach smart card incompatible CA protocol.

However, Cheng et al, disclose a smart card incompatible CA protocol [col. 4, lines 31-65].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include a smart card incompatible CA protocol. One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Referring to claim 13, Microsoft 1999 teaches a method for interfacing to a conditional access protocol, the method comprising:

receiving signals and data from a smart card interface [page 5-6, Device Drivers, 3-4] ;

transforming the received signals and data from the smart card interface into a format compatible with the conditional access protocol [page 5-6, Device Drivers, 4-5];

presenting the transformed received signals and data from the smart card interface to a conditional access system implementing the conditional access protocol [page 5, Cards , paragraph 3, lines 5-6];

receiving from the conditional access system signals and data [page 5, Resource Manager, lines 3-5];

transforming the received signals and data from the conditional access system into a format compatible with the smart card interface [page 5-6, Device Drivers, 4-5]; and

presenting the transformed received signals and data from the conditional access system to the smart card interface [page 5-6, Device Drivers, 3-4].

Microsoft 1999 fails to teach the conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals.

However, Cheng et al. teaches the conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals [col. 4, lines 30-63].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals . One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Referring to claim 14, Microsoft 1999 teaches the method of claim 13 wherein the smart card interface is an ISO 7816 smart card interface [page 2, ISO 7816, EMV, and GSM, lines 1-3].

Referring to claims 15 , Microsoft 1999 as modified the method of claim 13 wherein the conditional access protocol is a smart card incompatible conditional access protocol [column 4, lines 33-34 of Cheng et al., i.e. NRSS-B smart card incompatible].

Referring to claim16, Microsoft 1999 as modified teach the method of claim 15 wherein the smart card incompatible conditional access protocol is selected from the group consisting of National Renewable Security Standard Part B (NRSS-B), OpenCable™ Host Point of Deployment Interface Specification (POD), Common Interface Specification for Conditional Access and other Digital Video Broadcasting Decoder Applications (CI), and Conditional Access System for Terrestrial Broadcast (ATSC-A70) [column 4, lines 33-34 of Cheng et al.].

Referring to claim 17, Microsoft 1999 teaches a conditional access (CA) system comprising:

an ISO 7816 smart card interface [page 2, ISO 7816, EMV, and GSM, lines 1-3]; and
a software wrapper configured to execute on a second computing resource to couple the ISO 7816 smart card interface to the protocol [page 3, Software Development, line 1].

Microsoft 1999 does not teach a conditional access (CA) system comprising:

a first computing resource configured to execute a NRSS-B protocol and
a second computing resource to couple the ISO 7816 smart card interface to the NRSS-B protocol.

However, Cheng et al, disclose a conditional access (CA) system comprising:

a first computing resource configured to execute a NRSS-B protocol [column 4, lines 31-33]; and

a second computing resource to couple the ISO 7816 smart card interface to the NRSS-B protocol [column 4, lines 34-37].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include a NRSS-B conditional access protocol. One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Referring to claim 18, Microsoft as modified teach the system of claim 17 wherein the first computing resource and the second computing resource are a same computing resource [page 5, Cards, paragraph 3, lines 6-8].

Referring to claim 19, Microsoft 1999 teaches a machine-readable program storage medium tangibly embodying information allowing a machine to perform a method for conditional access, the method comprising:

receiving signals and data from a smart card interface [page 5-6, Device Drivers, 3-4];

transforming the received signals and data from the smart card interface into a format compatible with the conditional access protocol [page 5-6, Device Drivers, 4-5];

presenting the transformed received signals and data from the smart card interface to a conditional access system implementing the conditional access protocol [page 5, Cards , paragraph 3, lines 5-6];

receiving from the conditional access system signals and data [page 5, Resource Manager, lines 3-5];

transforming the received signals and data from the conditional access system into a format compatible with the smart card interface [page 5-6, Device Drivers, 4-5]; and

presenting the transformed received signals and data from the conditional access system to the smart card interface [page 5-6, Device Drivers, 3-4].

Microsoft 1999 fails to teach the conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals.

However, Cheng et al. teaches the conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals [col. 4, lines 30-63].

It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to apply Cheng's teaching to the system and method of Microsoft 1999, such that Microsoft's system would include conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals . One would have been motivated to modify Microsoft's system as such in order to increase compatibility [column 4, line 30].

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 5-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft 1999.

Referring to claim 5, Microsoft 1999 teaches a smart card interface comprising:

a smart card receptacle for coupling to a smart card to communicate smart card signals [page 5-6, Device Drivers, lines 3-5];

a Personal Computer Memory Card International Association (PCMCIA) Application Programming Interface (API) [page 6, Readers, line 2]; and

wrapper software interfacing the smart card signals and the PCMCIA API [page 3, Software Development, lines 3-4].

Referring to claim 6, Microsoft 1999 teaches the smart card interface of claim 5, where the PCMCIA API is a conditional access CA API [page 6, Readers, line 3].

Referring to claim 7, Microsoft 1999 teaches the smart card interface of claim 6, where the smart card signals are received from an ISO 7816 smart card [page 2, ISO 7816, EMV, and GSM, lines 1-3].

Action is Final

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Taghi T. Arani, Ph.D.
Examiner
Art Unit 2131

E. L. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
Art Unit 2131